IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WA.No. 325 of 2005()

AGAINST THE JUDGEMENT/ORDER IN OP.31904/1999 Dated 08/12/2003
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APPELLANT: PETITIONER

S.HIMAN PATHUSA, SENIOR GRADE ASSISTANT,
FINANCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REP. BY ITS
PRINCIPAL SECRETARY,
FINANCE SECRETARIAT, THIRUVANANTHAPURAM.

2. J. IYDE, SELECTION GRADE ASSISTANT,
FINANCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER
SRI.P.K.SIVADASAN NAIR
SRI.V.B.PREMACHANRAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.A NO.325 OF 2005
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Dated this the 24th day of May, 2007

J U D G M E N T

Radhakrishnan, J.

The original petition was preferred by the appellant herein seeking a writ of certiorari to quash Ext.P1 and also for a direction to the first respondent to assign seniority to the petitioner in the category of Assistant Grade I, Finance Department in the place of 2nd respondent and also for consequential reliefs. Learned Single Judge found no error in Ext.P1 order and dismissed the original petition.

2. The petitioner had filed a complaint that the contesting respondent who got initial appointment to the post of Assistant Grade I on 25/2/93 from the category of Typist, had been assigned a notional vacancy to the post of Assistant Grade I w.e.f. 1/3/92 after the introduction of a new grade, i.e, “Selection Grade” among the assistants of the Department and that he had represented the matter to the Department for the appointment of Assistant Grade I as early in 7/1991. The contesting respondent had represented for the appointment of Assistant Grade I only in

the third week of January 1993. In the writ petition, the petitioner therefore had made a request to reassign his seniority in the Assistant Grade I category in the place now assigned to the contesting respondent w.e.f. 1/3/1992.

3. We have considered the matter and we notice that the petitioner was initially appointed as Assistant Grade I w.e.f. 25/7/1994 and the contesting respondent was appointed as Assistant Grade I w.e.f. 25/2/93. The rank and seniority of both of them have been fixed in accordance with the General Rules. It is also noticed that as on the actual date of occurrence of the vacancy, the contesting respondent had applied for inter changeability and on the strength of that she was assigned notional vacancy w.e.f. 1/3/92.

We therefore find no error in the stand taken by the Government which was confirmed by the learned Single Judge. Writ appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp